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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,087	05/18/2005	Giampaolo Nelzi	163-563	8835
47888 7590 07/02/2007 HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER BLOODGOOD, RUSSELL F	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,087

Applicant(s)

NELZI, GIAMPAOLO

Examiner

Russell F. Bloodgood

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/7/04 and 1/16/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure lacks the correct headings to label each separate section.

Headings should be added as set forth below.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities:
 - a. Throughout the disclosure, the words "motorisation" and "metres" are used frequently. The Examiner suggest changing the spelling of the words to the more common US spellings --motorization-- and --meters--.Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the language "foreseen" in line 11, which renders the claim indefinite.

Claim 1 recites the language "go, on the way out, towards return pulleys", which renders the claim indefinite because the cables aren't moving.

Claim 1 recites the limitation "said container" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said lifting device or group" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said container" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said container" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the language "foresees" in line 8, which renders the claim indefinite because the container cannot have foresight.

Claim 2 recites the limitation "said supports" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the sheet" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the container" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said stops or locks" in lines 26 (page 25) and 1 (page 26). There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the hooking" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said first or second axis" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the cylinder" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said first and second axis" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said cylinder" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "their exit" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the outer sides" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said container" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said cylinder" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the exit" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the hydraulic tube" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the right" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the left" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the entry space" in lines 22-23. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the language "motorisation container" in line 5, the Examiner suggests changing the spelling to --motorization--.

Claim 6 recites the language "foresee" in line 5, which renders the claim indefinite because the container cannot have foresight.

Claim 6 recites the limitation "the side opposite the one where" in lines 6-7.

There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the exit" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said container" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the language "foresees" in line 13, which renders the claim indefinite because the container cannot have foresight.

Claim 7 recites the limitation "the attachment holes" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the container" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the container" in line 25. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the language "preferably angular-shaped" in line 26, which renders the claim indefinite.

Claim 8 recites the limitation "the heights" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said top bores" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the language "foreseen" in line 3, rendering the claim indefinite.

Claim 8 recites the limitation "said first mirror-like position stop" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said container" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the container" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the joining point" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the language "preferably" in lines 15 and 16, rendering the claim indefinite.

Claim 10 recites the limitation "the lowering of" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the container" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said container" in lines 22-23. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the language "preferably in a suitable throat" in line 6, rendering the claim indefinite.

Claim 13 recites the limitation "said container" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the case of breakage" in line 10. There is insufficient antecedent basis for this limitation in the claim.

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Claim 13 recites the limitation "the rail" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the lowering of the door" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "said biscuit" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the language "preferably trapezoidal" in line 18, rendering the claim indefinite.

Claim 14 recites the limitation "said container" in line 19-20. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the action" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the key" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the language "manoeuvre" in line 1, rendering the claim indefinite. The Examiner suggests changing spelling the more widely used US spelling --maneuver--.

Claim 15 recites the limitation "the case of a lack of electrical energy" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the motor" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the use of an electrical drill" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the suitably arranged drive shaft" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the axis of the electrical motor" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the connection of said drill" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. As best understood, claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach (US Patent No. 4102382) in view of Ubelhart (US Patent No. 5280818).

Vesbach discloses an improved hydraulic lifting sectional security door capable of being installed at an entry space to a room comprising a pair of profiles 19, associated with respective rails 20, arranged near to each frame of the entry space, a series of panels (12-15) articulated together and a device or group 48 for lifting the panels (12-15), which includes a hydraulic cylinder 31, to which lifting cables 59 and 66

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are fixed, characterised in that said lifting cables 59 and 66 start from stops 58 in a substantially central position with respect to said cylinder 31 and exit towards return pulleys 60 and 67 in a balanced manner, such that said device group 48 can be installed with the hydraulic cylinder 31 in a right or left position with respect to the entry space, according to the user's desires and requirements.

Vesbach further discloses an improved hydraulic lifting sectional security door having wherein the hydraulic cylinder 31 is connected to a plurality of lifting pulleys (51-53, 56, and 57) and in particular, has a stem 70 equipped with at least one first axis 38, on which at least one first pair 56 and 57 of said lifting pulleys rotates, and with at least one second axis 47, on which at least one second pair 50 and 52 of said lifting pulleys rotates, said stops or locks 58 are used for the hooking of the lifting cables 59 and 66 being mounted on said first 38 or second 47 axis, for each side of the cylinder 31. The lifting cables 59 and 66 pass, alternatively, on the lifting pulleys (PL1, PL2, PL3, PL4) journaled on to said first 38 and second 47 axis, as tackle, before being sent to said return pulleys 60 and 67, or else they go directly from said second axis 47 to said return pulleys. The lifting cables 59 and 66 start from stops 58 arranged in a position next to said cylinder 31, and their exit in the direction of the return pulleys 60 and 67 takes place on the outer sides of said first pair of lifting pulleys so as to be able to take said cylinder 31 and the exit of the hydraulic tube 39 to the right or to the left of the entry space simply varying a first cable 65 leaving at a right angle downwards on a first return pulley 60 or 67 and taking a second cable 57 after having been deviated by 180 degrees on a second return pulley.

Vesbach fails to disclose having the lifting group 48 enclosed in a container.

Ubelhart discloses enclosing a pulley lifting system within an enclosure 20 having at least one cover and a shaped profile closed at the side by position stops 31' fixed to said container 20, which are invertible and are formed from a suitably bent and shaped sheet with a series of bores (Figs. 6 or 7), and in that each position stop 31' has at least one pin on which at least one of said return pulleys 31 is journalled (Fig. 2). The container 20 has at least one intermediate face 22 on which at least one cylinder support, one cylinder block, one tube support, one micro switch support, and one support for at least one micro switch carrying bar can be formed. The container 20 also has a series of holes on both sides for the exit of the lifting cables 70 (Fig. 10).

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the hydraulic lifting sectional security door disclosed by Vesbach with the enclosure disclosed by Ubelhart in order to protect the lifting group or system from any harm, dust, or debris that could cause damage to the hydraulics or pulleys.

5. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach in view of Ubelhart.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the hydraulic lifting sectional security door with a telescoping cover because telescoping or extending covers are well known in the art and can be found on several types of partitions and closures.

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6. As best understood, claim 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach in view of Ubelhart and further in view of Beaudoin et al. (US Patent No. 6279268).

Vesbach fails to disclose a screw adjustment system and a safety mechanism that locks the door in an open position if a cable fails.

Beaudoin et al. teach a screw adjustment and safety mechanism wherein the tension of the cable can be adjust precisely using the tensioner 21, and further comprises a plate 43, a throat, and a biscuit 35.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the hydraulic lifting sectional security door disclosed by Vesbach with the screw adjustment system and safety mechanism as taught by Beaudoin et al. in order to have the ability to precisely alter the tension of the lifting cables and also to increase the safety of the door system by locking it open if a cable should fail. This protects not only the user or any people nearby, but also the door itself, which could incur damage if it slams shut.

7. As best understood, claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesbach in view of Ubelhart and further in view of Moreau (US Patent No. 6612359).

Vesbach fails to disclose a hydraulic lifting sectional security door with an emergency lifting system.

Moreau teaches a slider curtain having an emergency lifting system that utilizes and exterior power source to lift the door such as a drill (Fig. 9) to open the door.

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It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the hydraulic lifting sectional security door disclosed by Vesbach with an emergency lifting system as taught by Moreau so that the door can be operated without electricity.

Allowable Subject Matter

Claims 8-10 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US 2943886 to Wilkinson discloses a pulley actuator used to open the bottom of a large dump vehicle.
- b. US 3185528 to Peterson discloses a cable and pulley system used to open a hopper door.
- c. US 4699196 to Elliot discloses a telescoping blind rail.
- d. US 5040332 to Aquilina discloses a pneumatic door operator in an enclosure.
- e. US 6648046 to Gibson discloses a telescoping blind holder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell F. Bloodgood whose telephone number is 571-272-5712. The examiner can normally be reached on Mon - Fri: 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RFB


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